EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

VIRGINIA ELIZONDO,	§	
Plaintiff,	& & &	
vs.	§	Civil Action No. 4:21-CV-01997
	§	
SPRING BRANCH INDEPENDENT	§	
SCHOOL DISTRICT, COURTNEY	§	
ANDERSON, JOHN PEREZ,	§	
CAROLINE BENNETT, SHANNON	§	
MAHAN, MINDA CAESAR, CHRIS	§	
EARNEST, LISA ALPE, in their official	§	
capacity as members of the Board of	§	
Trustees of Spring Branch ISD	§	
	§	
Defendants.	§	

DEFENDANTS' CONTENTIONS

Pursuant to this Court's Rules pertaining to Joint Pretrial Orders, Defendants concisely set forth these contentions. A more detailed recitation of Defendants' contentions can be found in Defendants' Proposed Findings of Fact and Conclusions of Law and Defendants' Memorandum of Law.

Defendants contend that Spring Branch ISD's "at-large" system for electing Trustees to the school board, which is permissible under Texas law, does not violate the Voting Rights Act. Defendants deny all of Plaintiff's allegations that SBISD's system of elections is not equally open to Hispanic voters.

Defendants contend that Plaintiff cannot carry her burden to prove the first *Gingles* precondition – compactness; Plaintiff cannot carry her burden to prove the second *Gingles* precondition – political cohesion; Plaintiff cannot carry her burden to prove the third *Gingles*

precondition – white bloc voting that usually defeats the Hispanic preferred candidate in SBISD school board elections; Plaintiff cannot carry her burden to affirmatively prove that her sole proposed illustrative district will in fact provide Hispanics in SBISD a "real" opportunity to elect the school board members of their choice; and that Plaintiff cannot carry her burden to satisfy the totality of the circumstances test (i.e., the senate factors) that Hispanics in SBISD do not possess the same opportunities to participate in the political process and elect representatives of their choice enjoyed by other voters in SBISD.

Defendants request Judgment for Defendants, and that Plaintiff take nothing by this suit.

ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

/s/Charles J. Crawford

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Defendants' Contentions was served upon Plaintiff's counsel by attachment to the Joint Pretrial Order on October 6, 2023.

<u>/s/Charles J. Crawford</u> Charles J. Crawford